

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR08-261-JLR
09 Plaintiff,)
10 v.)
11 JIMMY DALE BURLESON,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Felon in Possession of a Firearm, Possession of a Firearm During and in
15 Relation to a Drug Trafficking Offense, Possession with Intent to
16 Distribute Methamphetamine

17 Date of Detention Hearing: September 16, 2008

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
19 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
20 that no condition or combination of conditions which defendant can meet will reasonably assure
21 the appearance of defendant as required and the safety of other persons and the community.

22 ///

01 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02 1. Defendant has been charged with a drug offense the maximum penalty of which
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
04 dangerousness and flight risk, under 18 U.S.C. §3142(e).

05 2. Defendant's criminal history includes prior failures to appear, failure to appear for
06 sentencing, failures to comply with court orders, bench warrant activity, prior drug and firearm
07 offenses, attempts to elude a pursuing police vehicle, and violation of parole.

08 3. Defendant was not interviewed by Pretrial Services and much of his back ground
09 information is unknown or unverified.

10 4. Defendant does not contest detention.

11 5. Taken as a whole, the record does not effectively rebut the presumption that no
12 condition or combination of conditions will reasonably assure the appearance of the defendant as
13 required and the safety of the community.

14 It is therefore ORDERED:

15 (1) Defendant shall be detained pending trial and committed to the custody of the
16 Attorney General for confinement in a correction facility separate, to the extent
17 practicable, from persons awaiting or serving sentences or being held in custody
18 pending appeal;

19 (2) Defendant shall be afforded reasonable opportunity for private consultation with
20 counsel;

21 (3) On order of a court of the United States or on request of an attorney for the
22 Government, the person in charge of the corrections facility in which defendant is

01 confined shall deliver the defendant to a United States Marshal for the purpose of
02 an appearance in connection with a court proceeding; and

- 03 (4) The clerk shall direct copies of this Order to counsel for the United States, to
04 counsel for the defendant, to the United States Marshal, and to the United States
05 Pretrial Services Officer.

06 DATED this 16th day of September, 2008.

07 

08 Mary Alice Theiler
09 United States Magistrate Judge